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App. No.: 09/071,664

REMARKS

Status of Claims

After entry of the above amendments, claims 1-16 and 18-22 are pending.

Claims 1, 11 and 20-22 have been amended without adding new matter.

Reconsideration of all rejections is respectfully requested.

Summary of the Office Action

Item 1 of the Office Action identified the pending claims.

Item 2 rejected claims 1, 4, 7-9, 14-15 and 18-21 under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. (U.S. Pat. No. 5,740,229, hereinafter "Hanson") in view of Corlett et al. (U.S. Pat. No. 5,832,060, hereinafter "Corlett").

Item 3 rejected claims 2-3, 5-6, 10, 12-13 and 16 under 35 U.S.C. 103(a) as being unpatentable over Hanson in view of Corlett and further in view of Dunn et al. (U.S. Pat. No. 6,169,795, hereinafter "Dunn").

Item 4 identified claim 22 as being allowable if rewritten in independent form including all limitations of its base claim and any intervening claims.

Item 5 stated that arguments made by Applicants in the previous Amendment are moot in view of the new ground(s) of rejection in the Office Action.

Items 6 gave contact information.

Allowable Claims

Claim 22 is amended above without changing its claim scope, solely to put it into independent form, including all limitations of its former base claim 1 and any intervening claims. Accordingly, claim 22 is now in the form that was indicated by Item 4 of the Office Action as being allowable.

Claim Rejections

Hanson

Hanson teaches a "method and apparatus for allowing a caller to leave a message for an unreachable called party" (Hanson, Abstract, underlining added).

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Corlett

Corlett teaches a "method [that] allows a calling party to provide name and number information for automatic delivery to a called party in instances where the called party does not answer the incoming call, or where the line of the called party is busy" (Corlett, Abstract, underlining added).

Dunn

Dunn teaches a "system and method to implement callback for unanswered telephone calls in an Internet Telephony Callback system" (Dunn, Abstract, underlining added).

Independent Claims 1, 11 and 20-21

Claim 1, as amended, recites a step of "the server immediately attempting to contact the second user based on the first user requesting, without requiring the first user to have already attempted to directly contact by telephony the second user" (emphasis added). The other independent claims, claims 11, 20 and 21, recite similar limitations.

The feature of not requiring the first user to have already attempted to directly contact by telephony the second user is a powerful feature that permits various helpful specific implementations or usages of embodiments of claim 1. To appreciate one example usage according to one example embodiment, consider the description at page 5, lines 15-20 of the present application. This description includes one example of support for the amendment to claim 1. This description states that a first user can bypass an expensive hotel telephone system by not attempting to directly contact the second user but instead using computer assistance via a call server to request a callback. Thus, it is seen that the call server's not requiring the first user to have already attempted to directly contact the second user by telephony is useful.

None of Hansen, Corlett or Dunn teaches claim 1's feature of not requiring the first user to have already attempted to directly contact the second user. On

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the contrary, as has been quoted above, all three of these references deal exclusively with systems that require a failed first attempt to contact an "unreachable called party" (Hanson) or a party who "does not answer the incoming call" or a party whose "line of the called party is busy". Accordingly, even if combined, the cited references would still fail to teach all elements of claim. Further, short of using impermissible hindsight, there is absolutely no suggestion anywhere to somehow to modify the combined teachings of Hansen, Corlett or Dunn to somehow obtain the exact teaching of claim 1. On the contrary, by specifically teaching systems that specifically require a first failed attempt to directly contact the called party, the references actually teach away from elements of claim 1.

For the above reason, Applicants respectfully submit that claim 1, and claims 11, 20 and 21, are allowable over the cited art.

Applicants further respectfully submit that claim 1, and claims 11, 20 and 21, are allowable over the cited art further for additional reasons. Item 3 of the Office Action concedes that "Hanson fails to clearly disclose the call to the called party is performed immediately after receiving requested message by the caller". Applicants respectfully agree. Item 3, however, contends that Corlett teaches this step (at Corlett, FIG. 2B, element 50, FIGS. 4A-4B and col. 11, lines 12-27). Applicants respectfully disagree with such a contention. Applicants respectfully submit that Corlett does not anywhere teach "the server immediately attempting to contact the second user based on the first user requesting (the server to deliver a call back request to the second user)" as is required by claim 1. On the contrary, the cited portion of Corlett merely states that "at least a first call is placed to the called party to attempt to deliver the information provided by the calling party" (Corlett, col. 11, lines 12-14, describing FIG. 4A and 4B). Thus, it is seen that the cited portion of Corlett does not state that the first call is placed "immediately based on the first user requesting". On the contrary, in fact, the only embodiment of Corlett that seems to be specifically discussed specifically states that a "scheduler 70 [of FIGS. 2A-2B] is capable of scheduling placement

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of at least a first telephone call to the called party 14 at preselected intervals during and/or for predetermined periods" (Corlett, col. 10, lines 33-36). Thus, the specific discussion teaches a non-immediate calling of the called party.

Furthermore, Applicants respectfully point out that Hanson expressly deals only with a "method and apparatus for allowing a caller to leave a message for an unreachable called party", as was quoted above. Accordingly, it would not be obvious for Hanson's server to immediately try to contact a called party, given that the called party is "unreachable" and had just immediately before failed to be reached. Accordingly, it is seen that Hanson teaches away from Applicants' claims and that there would not have been expectation of success for anyone of ordinary skill in the art to somehow modify Hanson's teachings to somehow obtain Applicants' claims. Accordingly, Applicants respectfully submit that Hanson cannot even properly be used in combination with other references to say that Applicants' claims are obvious. (Applicants further note that Corlett and Dunn, like Hanson, teach a callback system for "unanswered calls" or busy calls or the like).

For the above additional reasons, Applicants respectfully submit that claim 1 is allowable over the cited art.

Dependent Claims

Claims 2-10, 12-16 and 18-19 depend on one of claims 1, 11 or 20 and are therefore allowable for at least the same reasons as are their respective base claims. Further, claims 2-10, 12-16 and 18-19 in general are further allowable also based on the limitations that they themselves recite. Accordingly, all assertions in the Office Actions regarding the claims 2-10, 12-16 and 18-19 are made moot.

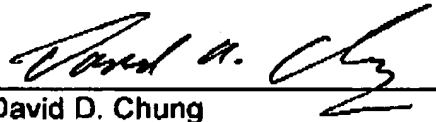
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Conclusion

Therefore, Applicants submit that their invention is not disclosed, taught, or suggested by the references of record. Therefore, it is submitted that all of the claims are allowable over the art of record and it is respectfully requested that the application be passed to allowance.

Respectfully submitted,

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